

Scott Twito

DEPUTY YELLOWSTONE COUNTY ATTORNEY

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Attorney For Plaintiff

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

STATE OF MONTANA,

Plaintiff,

vs.

KRYSTAL KEITHLEY,

Defendant.

CAUSE NO. DC: 02-0478

JUDGE:

**AFFIDAVIT AND MOTION FOR
LEAVE TO FILE INFORMATION**

The undersigned Deputy County Attorney of Yellowstone County, Montana, being first duly sworn upon his oath, moves the Court for Leave to File an Information, based upon information developed through an investigation conducted by law enforcement officers, charging the above-named Defendant with the crime of:

ASSAULT WITH A WEAPON (FELONY)

committed at Yellowstone County, State of Montana, on or about June 10, 2003.

That law enforcement officers have made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that he believes it a proper case for filing of an Information and that for this reason, and none other, the foregoing motion is made.

The Court is informed that the Billings Police Department investigation revealed the following:

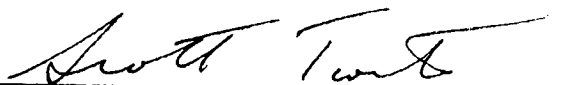
On June 10, 2003, Officer Oberg of the Billings Police Department responded to a report of a firearms call located at 2315 Henesta Drive. Upon arrival, the officer spoke with the victim Donald Fisher. Mr. Fisher stated that he was the maintenance man for PMI Property Management and that he attempted to contact the residents of 2315 Henesta. Their vehicle was blocking the driveway at 2313 Henesta.

In a written statement Mr. Fisher explained further and stated that he knocked loudly on the door at 2315 Henesta in an attempt to rouse the resident living there. Mr. Fisher waited several minutes and no one came to the door. Eventually, KRYSTAL KEITHLEY, the Defendant herein, came to the door. Mr. Fisher told her to move the vehicle blocking the driveway. She made a comment and then slammed the door on him.

Approximately five minutes later, Mr. Fisher again knocked on the door. The Defendant yelled at him and stated: "If you keep pounding on the door, I will shoot you." Suddenly, the Defendant opened the door and was holding a black semi-automatic pistol. At that time, Mr. Fisher believed that his life was in danger and he turned and left the area. He immediately contacted the police.

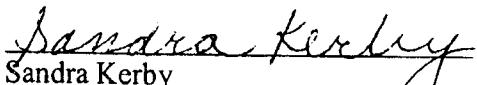
Officers of the Billings Police Department later searched the premises and recovered a loaded .380 Starfire pistol. In a statement the Defendant admitted ownership of the pistol. The Defendant also admitted holding the pistol in her hand when she confronted Mr. Fisher at the door.

The investigation continues.



Scott Twito
DEPUTY COUNTY ATTORNEY
Yellowstone County, Montana.

Subscribed and sworn to before me on June 12, 2003.



Sandra Kerby
Notary Public for the State of Montana.
Residing at Billings, Montana.
My Commission Expires January 1, 2004

(SEAL)